

STATE OF NORTH CAROLINA

IN THE GENERAL COURT OF JUSTICE

SUPERIOR COURT DIVISION

COUNTY OF HARNETT

FILE NO.: 17 CVS 1747

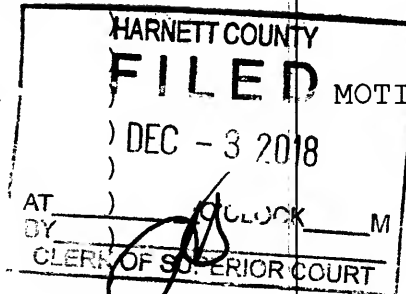
DOLLIE GRIGGS, as)
Administrator of the Estate)
of CHRISTIAN GRIGGS,

Plaintiff,

v.

WILLIAM PAT CHISENHALL,

Defendant.



MOTION IN LIMINE

PURSUANT TO RULE 16 of the North Carolina Rules of Civil Procedure, before trial and selection of the jury, the Defendant William Pat Chisenhall, acting by and through its undersigned attorney, request that this Honorable Court, before trial and prior to selection of the jury, for an order instructing the Plaintiff, her attorney, and all other witnesses connected thereto to absolutely refrain from making any mention, directly or indirectly, in any way whatsoever, during the voir dire, opening statements, interrogation of witnesses, objections, testimony, argument, or in any manner whatsoever, of the following matters and things:

1. That the Plaintiff, through her attorney, be directed not to make an opening statement or closing argument during jury voir dire. That, rather the parties should be permitted to advise prospective jurors of the facts which will enable counsel

to ascertain whether there exist grounds for challenges for cause, as well as to exercise intelligently the peremptory challenges allowed by law, but no more.

2. That no mention be made by Plaintiff of any allegations of racial discrimination by either the Harnett County Sheriff's Department or the Harnett County District Attorney, any other suits or claims involving said entities, including but not limited to the cases involving Brandon Bethea or John Livingston for there are no claims of discrimination to be decided by the jury in this case and neither the Harnett County Sheriff's Department or the Harnett County District Attorney are parties in this case and any evidence, discussions or mention about the same would be highly prejudicial, would confuse the jury and are not relevant to the issues to be decided by the jury.

3. That the Plaintiff not be permitted to inquire or discuss with any witness the alleged "corruption" of Harnett County Sheriff's Department or the Harnett County District Attorney or any alleged "cover-up", "tampering of" or "staging the scene" of the incident by said entities or any alleged improprieties in the investigation of this matter, for there is no competent evidence of such allegations, the allegations are without merit, are pure speculation, are highly prejudicial and irrelevant that would confuse the jury, as there are no claims

against the Harnett County Sheriff's Department or Harnett County District Attorney ever brought or currently pending in this case.

4. That the Plaintiff not be permitted to testify about, inquire, mention or discuss that Plaintiff or any witness have requested that the FBI, SBI, the Office of the Governor, United States Attorney General, the Attorney General for the State of North Carolina or any other entity to investigate the death of the decedent for the evidence of the same is not relevant to the claims of Plaintiff against the Defendant for wrongful death, have no probative value and would be highly prejudicial to the Defendant.

5. That no mention may be made, either directly or indirectly, of any text messages by or between Katie Griggs and any non-party to this matter for the same are irrelevant, have no probative value and would be highly prejudicial to the Defendant. There are no claims in this suit against Ms. Griggs and the content of her text messages to these non-parties have no bearing and are irrelevant to the Plaintiff's claims in this matter as there is no mention of any matter at issue in this suit in any of these messages.

6. That no mention may be made, either directly or indirectly, of the charge or arrest of shoplifting of the

witness Katie Griggs in 2010 as the matter was disposed of pursuant to O.C.G.A. §42-8-60 on September 1, 2011.

Pursuant to said statute:

e) A defendant sentenced pursuant to this article shall be exonerated of guilt and shall stand discharged as a matter of law as soon as the defendant:


(1) Completes the terms of his or her probation, which shall include the expiration of the sentence by virtue of the time frame of the sentence passing, provided that such sentence has not otherwise been tolled or suspended;

As Ms. Griggs has completed the terms of her probation, she has been exonerated of this conviction and it has been expunged from her record. As a result there is no criminal conviction that Ms. Griggs can be questioned about on her record so that mention of this arrest is improper pursuant to Rule 609 of the North Carolina Rules of Evidence.

7. That no mention may be made, either directly or indirectly, of insurance coverage, liability insurance or insurance, or reference made to the term adjustor or company on the grounds that this evidence is not admissible for any purpose under the North Carolina Rules of Evidence.

WHEREFORE, this Defendant William Pat Chisenhall respectfully requests that the Court grant this motion for an order excluding prejudicial statements or evidence.

This the 3 day of December, 2018.


Robert E. Levin
Attorney for Defendant

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